IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Crl.MC.No. 2299 of 2007()

CRIME NO.98 OF 2007 OF THALASSERY POLICE STATION

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PETITIONER: 2ND ACCUSED

N.P.RAHOOF, S/O. KOYA, AGED 21 YEARS,
CHALALPURATH PARAMBA, P.O.KUTTIPPURAM,
MALAPPURAM DISTRICT.

BY ADV. SRI.G.HARIHARAN
SRI.PRAVEEN HARIHARAN

RESPONDENTS: STATE & COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
THALASSERY POLICE STATION, THALASSERY.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2299 of 2007

Dated this the 24th day of July, 2007

O R D E R

The petitioner who faces allegations, inter alia, under Section 307 and 397 I.P.C has been granted bail subject to conditions by the learned Sessions Judge. This petition is filed to modify the said conditions. The petitioner has been directed to execute a bond for Rs.25,000/- with two solvent sureties for the like sum. He has been further directed to appear before the Investigating Officer on all Mondays and Fridays. He is aggrieved by the two conditions listed below:

> "3) Petitioner shall not leave Kannur District until further orders;
>
> 4) Sureties shall produce solvency certificate."

The learned counsel for the petitioner submits that it is virtually impossible for the petitioner to get sureties with solvency certificates. Getting solvency certificates would consume a liability of unnecessary time, expenses and delay. Because of the onerous nature of the conditions, the petitioner has not been able to take advantage of the order of bail dated 23.06.07 even now. In these circumstances, the said condition that the sureties must produce solvency certificate may be deleted. Appropriate documents/materials shall be produced before the learned Magistrate to satisfy the learned Magistrate that the sureties are solvent, submits the learned counsel for the petitioner. The said request does appear, to me, to be reasonable and I am satisfied that the said request can be accepted.

2. The second condition is that the petitioner should not leave the Kannur District until further orders. The learned counsel for the petitioner submits that he has no job in Kannur and the direction to remain in Kannur would work out great hardship and difficulty to the petitioner. The petitioner shall report before the Investigating Officer on all Mondays and Fridays as directed in the first condition. But the condition that he must remain in Kannur district may be deleted, prays the learned counsel for the petitioner. I am satisfied that the said request is reasonable. Appropriate directions can be issued in this regard also.

3. This Crl.M.C is, in these circumstances, allowed. The condition that the petitioner should not leave the Kannur district is deleted. The condition that sureties must produce solvency certificates is also deleted, but it is directed that the learned Magistrate must scrupulously ensure that the sureties that are offered are sufficient and solvent. It is not necessary to rigidly insist on the production of solvency certificates. The learned Magistrate can adopt any method to insist and ensure that the sureties offered are sufficient and solvent. I mean only to say that rigid insistence on production of solvency certificate need not be made.

(R.BASANT, JUDGE)

rtr/-